

**REMARKS**

These remarks follow the order of the paragraphs of the office action. Relevant portions of the office action are shown indented and italicized.

Applicants respectfully state that applicants have amended claims 6, 10, 19 and 23 and canceled claims 1-5, 9, 13-18, 22 and 26-31 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the APA or art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications

***Allowable Subject Matter***

*1. The indicated allowability of claims 1-5, 30-31, 14-18, and 27-29 are withdrawn in view of the newly discovered reference(s) to the APA. Rejections based on the newly cited reference(s) follow.*

In response, the Applicants respectfully state their disagreement with the rejections based on APA. However, claims 1-5, 9, 13-18, 22 and 26-31 are canceled to bring the allowable subject matter to issuance.

***Claim Rejections - 35 USC § 102***

*2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

*A person shall be entitled to a patent unless —*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-5, 30-31, 14-18, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by the admitted prior art in figures 1-2, pages 1-3, of the instant application, hereinafter referred to as the APA.

Regarding claim 1, the APA discloses an alternate routing for a PNNI hierarchical network.

examining possible routes closest to the destination node (the APA discloses possible routes to deliver a call from a source node A1 to a destination node D2, see page 2, lines 11-17, and page 3, lines 21-25);

selecting at least one non-sole-access element of a particular route used by the tailed connection in said network structure (the node A3 is inherently selected as a non-sole-access element in the failed connection in the network structure of figure 2, see page 2, line 7 to page 3, line 27);

identifying an alternative route to the tailed connection in said network structure which utilizes said at least one non-sole-access element (the alternate route utilizes the non-sole-access element is illustrated in page 3, lines 22-24); and

Regarding claim 2, the alternate route A1, A3, B2, C3, C2, D1, and D2, see page 3, lines 20-21 has the sufficient bandwidth to support the call, which the failed connection fails to meet.

Regarding claim 3, in the APA one element, i.e. B1 is a link of the network structure in fig.1.

Regarding claim 4, the alternate route A1, A3, B2, C3, C2, D1, and D2, see page 3, lines 20-21, represents all non-sole-access links of the route used by the failed connection which are outside the PNNI peer group of the source node.

Regarding claim 5, the alternate route A1, A3, B2, C3, C2, D1, and D2, see page 3, lines 20-21, represents all non-sole-access links of the route used by the failed connection which are outside the PNNI peer group of the source node, which is closest one between the source and the destination nodes.

Regarding claim 14, this claim has similar limitations as claim 1. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 1. The switch at the source node A1 - fig. 1 inherently includes memory for storing topology data, and control logic configured to respond to a failed connection between a source and a destination node.

Regarding claims 15-18, these claims have similar limitations as claims 2-5. Therefore, they are rejected under the APA for the same reasons set forth in the rejection of claims 2-5, respectively.

Regarding claim 27, this claim has similar limitations as claim 14. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 14.

Regarding claim 28, this claim has similar limitations as claim 14. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 14. A router server inherently configured in association with a peer group of nodes illustrated in figure 1 comprising an apparatus.

Regarding claim 29, this claim has similar limitations as claim 14. Therefore, it is rejected under the APA for the same reasons set forth in the rejection of claim 14.

Regarding claim 30, the switch at the source node A1 inherently includes a computer readable medium having a stored computer readable program code for performing the steps of claim 1.

Regarding claim 31, the switch at the source node A1 inherently includes a program storage device readable by a computer, embodying a computer program of instructions executable by the computer to perform the steps of claim 1.

**Allowable subject matter**

4. Claims 6-8, 10-12, 19-21, and 23-25 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, the Applicants respectfully state that claims 6, 10, 19 and 23 are amended to overcome the objections. Each is rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

This brings Claims 6-8, 10-12, 19-21, and 23-25 to allowance. All other claims are canceled.

Applicants anticipate quick issuance of a Notice Of Allowance of Claims 6-8, 10-12, 19-21, and 23-25.

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